UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/54
24 January 1996

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. Further to the note by the President of the Security Council dated 31 May 1995 (S/1995/438) concerning the Council's documentation and other procedural questions, the President of the Security Council wishes to state that all members of the Security Council have indicated their agreement with the following proposals:

The following improvements should be introduced to make the procedures of the Sanctions Committees more transparent:

The Chairman of each Committee should give an oral briefing to interested Members of the United Nations after each meeting, in the same way as the President of the Security Council now gives oral briefings following informal consultations of Council members;

The Chairman of each Committee should be asked to bring to the attention of its members and of the Members of the United Nations the improvements in procedures of the Committees which were agreed to by the members of the Council on 29 March and 31 May 1995 (see S/1995/234 and S/1995/438).

2. The members of the Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.

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UNITED
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Security Council

Distr.
GENERAL

S/1996/55
24 January 1996

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. As part of the efforts to improve the documentation of the Security Council, the members of the Council have again reviewed the list of matters of which the Security Council is seized (S/1996/15). The Council has decided to remove the following matters from the list: items Nos. 3, 4, 57 and 125.

2. The members of the Council will continue to review from time to time the list of matters of which the Security Council is seized.

3. The above decision has been taken after extensive consideration and appropriate consultation by the Informal Working Group of the Security Council concerning the Council's documentation and other procedural questions.

4. Neither the removal of a matter from the list of matters of which the Security Council is seized nor its retention carries any implication for the substance of the matter. The Council may at any time decide to include any matter in the agenda of a meeting of the Council, whether or not it is included in the list.

96-01470 (E) 240196 250196

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/56
26 January 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling the statement by its President of 5 January 1996 (S/PRST/1996/1),

Having considered the letters of the Secretary-General to the President of the Council dated 29 December 1995 (S/1995/1068) and 16 January 1996 (S/1996/36),

Deeply concerned at the continued deterioration in the situation in Burundi, and at the threat this poses to the stability of the region as a whole,

Condemning in the strongest terms those responsible for the increasing violence, including against refugees and international humanitarian personnel,

Underlining the importance it attaches to the continuation of humanitarian assistance to refugees and displaced persons in Burundi,

Underlining also the responsibility of the authorities in Burundi for the security of international personnel and of refugees and displaced persons there,

Welcoming in this context the recent visit of the United Nations High Commissioner for Refugees to Burundi, at the request of the Secretary-General, and plans for the establishment of a standing mechanism of consultation on security issues between the Government of Burundi, the United Nations and non-governmental organization,

Stressing the paramount importance of, and imperative need for, all concerned in Burundi to pursue dialogue and national reconciliation,

Stressing the importance it attaches to the continuation and intensification of efforts by the international community to avert a further worsening of the situation in Burundi, and to promote dialogue and national reconciliation there,

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Noting with appreciation the ongoing efforts of the Secretary-General and his staff, the Organization of African Unity and its military observers in Burundi, the European Union, and the facilitators appointed by the Cairo Conference of Heads of State of the Great Lakes Region held on 29 November 1995,

Reaffirming its support for the Convention of Government of 10 September 1994 (S/1995/190, annex), and for the institutions of Government established in line with it,

1. Demands that all concerned in Burundi exercise restraint and refrain from acts of violence;

2. Expresses its fullest support for the efforts of the Secretary-General and others, in support of the Convention of Government, to facilitate a comprehensive political dialogue with the objective of promoting national reconciliation, democracy, security and the rule of law in Burundi;

3. Calls upon all concerned in Burundi to participate in a positive spirit and without delay in such dialogue, and to support the efforts of the Special Representative of the Secretary-General and others seeking to facilitate such dialogue;

4. Invites Member States and others concerned to cooperate in the identification and dismantling of radio stations which incite hatred and acts of violence in Burundi;

5. Requests the Secretary-General, in consultation as appropriate with the Organization of African Unity and with Member States concerned, to consider what further steps of a preventive nature may be necessary in order to avoid the situation deteriorating further, and to develop contingency plans as appropriate;

6. Welcomes the sending by the Secretary-General of a technical security mission to Burundi to examine ways to improve existing security arrangements for United Nations personnel and premises and the protection of humanitarian operations;

7. Requests the Secretary-General to keep the Council closely informed, including on the technical security mission he has sent to Burundi, and to submit a full report to the Council by 20 February 1996 on the situation, covering the progress of his efforts to facilitate a comprehensive political dialogue and the actions undertaken pursuant to paragraph 5 above including contingency planning;

8. Declares its readiness in the light of that report and of developments in the situation:

(a) To consider the imposition of measures under the Charter of the United Nations, including a ban on the supply of all arms and related matériel to Burundi and travel restrictions and other measures against those leaders in Burundi who continue to encourage violence; and

(b) To consider what other steps may need to be taken;

9. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/57
29 January 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous resolutions concerning the situation in Liberia, in particular resolution 1020 (1995) of 10 November 1995,

Having considered the report of the Secretary-General dated 23 January 1996 (S/1996/47) on the United Nations Observer Mission in Liberia (UNOMIL),

Commending the positive role of the Economic Community of West African States (ECOWAS), in its continuing efforts to restore peace, security and stability in Liberia,

Expressing its grave concern about the recent incidence of cease-fire violations and attacks on ECOWAS Monitoring Group (ECOMOG) troops as well as continuing delays in the process of disengagement and disarmament of forces,

Stressing the need for all parties to the Abuja Agreement (S/1995/742, annex) to adhere strictly to its terms and expedite its implementation,

Emphasizing once again that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Expressing also its appreciation to those African States that have contributed and are contributing troops to ECOMOG,

Commending also those Member States that have provided assistance in support of the peace process and to ECOMOG, including contributions to the Trust Fund for Liberia,

1. Welcomes the report of the Secretary-General dated 23 January 1996;

2. Decides to extend the mandate of UNOMIL until 31 May 1996;

3. Calls upon all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the provisions of the Abuja Agreement with regard to the

maintenance of the cease-fire, disarmament and demobilization of combatants, and national reconciliation;

4. Condemns the recent armed attacks against personnel of ECOMOG and against civilians, and demands that such hostile acts cease forthwith;

5. Expresses the Council's condolences to the Governments and peoples of the ECOMOG countries and the families of the ECOMOG personnel who have lost their lives;

6. Demands once more that all factions in Liberia strictly respect the status of ECOMOG and UNOMIL personnel, as well as organizations and agencies delivering humanitarian assistance throughout Liberia, and further demands that these factions facilitate such deliveries and that they strictly abide by the relevant rules of international humanitarian law;

7. Urges all Member States to provide financial, logistical and other assistance in support of ECOMOG to enable it to carry out its mandate, particularly with respect to disarmament of the Liberian factions;

8. Stresses that continued support by the international community for the peace process in Liberia, including the participation of UNOMIL, is contingent on the demonstrated enduring commitment by the Liberian parties to resolve their differences peacefully and to achieve national reconciliation in line with the peace process;

9. Requests the Secretary-General to submit by 31 March 1996 a progress report on the situation in Liberia, in particular the progress in disarmament and demobilization, and in planning for elections;

10. Calls on ECOMOG, in accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou Agreement (S/26272) and the UNOMIL concept of operations, to intensify the necessary action to provide security for UNOMIL observers and civilian staff;

11. Stresses the need for close contacts and enhanced coordination between UNOMIL and ECOMOG in their operational activities at all levels;

12. Urges Member States to continue to provide additional support for the peace process in Liberia by contributing to the United Nations Trust Fund for Liberia;

13. Stresses also the importance of respect for human rights in Liberia as well as the need to rehabilitate promptly the penitentiary system in this country;

14. Reminds all States of their obligations to comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992 and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985 (1995) of 13 April 1995;

15. Expresses its appreciation to the Secretary-General, his Special Representative and all UNOMIL personnel for their tireless efforts to bring peace and reconciliation to Liberia;

16. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/58
26 January 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 22 January 1996 (S/1996/45) and taking note of the observations expressed therein,

Taking note of the letter dated 17 January 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/1996/34),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 1996;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 (S/12611), approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. Condemns all acts of violence committed in particular against the Force and urges the parties to put an end to them;

6. Welcomes the streamlining of the Force described in paragraph 16 of the report of the Secretary-General of 22 January 1996, to be completed by May 1996, and stresses the need to continue efforts to achieve further savings by rationalizing the administrative and support services of the Force, provided they do not affect its operational capacity;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/59
26 January 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 25 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that violations of the Republic of Iraq's airspace by United States, British and French aircraft continued over the period 1-15 January 1996 and that those aircraft carried out reconnaissance and engaged in acts of provocation. The details are as follows:

1. In the northern region 60 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Mosul, Dohuk, Zakho, Aqrah, Amadiyah, Tall Afar, Ayn Zalah and Salah al-Din.

2. In the southern region 545 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres, over the following Iraqi cities and towns: Nasiriyah, Samawah, Jalibah, Artawi, Busayyah, Lasaf, Qurnah, Chabaish, Shatrah, Shu'aybah, Qal'at Salih, Rumaythah and Salman.

3. On 21 occasions United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated the Republic of Iraq's airspace in the southern region before leaving in the direction of Kuwait.

You are requested to intervene with the countries in question with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and the norms of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq asserts its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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UNITED
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Security Council

Distr.
GENERAL

S/1996/60
31 January 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming all its previous resolutions on the question of Western Sahara,

Having considered the report of the Secretary-General of 19 January 1996 (S/1996/43 and Corr.1),

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General from 2 to 9 January 1996,

Noting the views expressed by the Government of Morocco set out in the report of the Secretary-General,

Noting also the views expressed by the Polisario Front set out in the report of the Secretary-General,

Reconfirming its commitment to assist the parties to achieve a just and lasting solution to the question of Western Sahara,

Reiterating the fact that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

1. Reiterates its commitment to the holding, without further delay, of a free, fair and impartial referendum for the self-determination of the people of Western Sahara in accordance with the Settlement Plan which has been accepted by the two parties referred to above;

2. Welcomes the report of the Secretary-General of 19 January 1996;

3. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 May 1996;

4. Expresses deep concern about the stalemate which has been hindering the identification process and the consequent lack of progress towards completion of the Settlement Plan;

5. Calls upon the two parties to cooperate with the Secretary-General and MINURSO in resuming the identification process, overcoming obstacles hindering completion of that process, and implementing all other aspects of the Settlement Plan, in accordance with the relevant resolutions;

6. Encourages the two parties to consider additional ways to create confidence between themselves and to facilitate the implementation of the Settlement Plan;

7. Supports the intention of the Secretary-General, in the absence of meaningful progress towards completion of the Settlement Plan, to bring the situation to the immediate attention of the Council, and invites the Secretary-General in this eventuality to submit for consideration a detailed programme for a phased withdrawal of MINURSO, in accordance with the second option contained in his report of 19 January 1996;

8. Requests the Secretary-General to submit a report by 15 May 1996 on the implementation of the present resolution;

9. Decides to remain seized of the matter.

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General Assembly
Security Council

Distr.
GENERAL

A/50/868
S/1996/61
30 January 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 20 (b)
STRENGTHENING OF THE COORDINATION OF
HUMANITARIAN AND DISASTER RELIEF
ASSISTANCE OF THE UNITED NATIONS,
INCLUDING SPECIAL ECONOMIC ASSISTANCE:
SPECIAL ECONOMIC ASSISTANCE TO
INDIVIDUAL COUNTRIES OR REGIONS

SECURITY COUNCIL
Fifty-first year

Progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, by which the Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a final period until 8 March 1996 and requested me to reduce its troop level to 1,200 and the number of military observers, headquarters and other military support staff to 200. The Council further requested me to withdraw the civilian police component (CIVPOL) of the Mission and to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of the mandate.

2. The present progress report describes the action taken by UNAMIR in implementation of resolution 1029 (1995) and provides an update on developments in Rwanda since my report of 1 December 1995 (S/1995/1002). A further report will be submitted to the Security Council before the expiration of UNAMIR's mandate on 8 March 1996.

3. The present report is also submitted pursuant to General Assembly resolution 50/58 L of 22 December 1995, in which I was requested to consult with the Government of Rwanda and with the relevant United Nations agencies on the nature of a continued United Nations presence in Rwanda after 8 March 1996; on the role such a United Nations presence might play in furthering the search for peace and stability through justice, reconciliation and the return of refugees and in assisting the Government of Rwanda in its pressing task of rehabilitation

and reconstruction, and to report to the General Assembly by 1 February 1996 on the results of those consultations.

II. POLITICAL DEVELOPMENTS

4. Since my last report, there have been no significant changes in the internal situation in Rwanda. There are increasing signs of normalcy and stability, with a marked diminution of overt violence. Rwanda's relations with its neighbours, especially the United Republic of Tanzania and Zaire, have also improved. President Bizimungu visited the United Republic of Tanzania on 14 December and held discussions with the newly elected President, Mr. Benjamin Mkapa. A tripartite meeting with Zaire and the United Nations High Commissioner for Refugees (UNHCR) on the refugee issue was followed by a visit of the Minister for Foreign Affairs of Rwanda to Kinshasa. During the visit, Zaire agreed in principle to return assets that had been carried across to Zaire in 1994 by the former Rwandese government forces (RGF). These internal and external developments reflect a positive trend.

5. Two events, however, had a negative impact on the political situation in Rwanda. The first involved the manner in which 38 non-governmental organizations (NGOs) were asked to cease activities in Rwanda and 19 others were suspended, their assets frozen and their equipment impounded. The international community's concern over this announcement was conveyed to the Minister for Foreign Affairs by my Special Representative in Rwanda and I hope that the appeals made by NGOs will be given due consideration by the Government. The second event was the defection of some senior civilian and military officials, including the Governor of the State Bank. Following the departure of former Prime Minister Faustin Twagiramungu and of one of his Cabinet colleagues, these defections represent a setback to the prospects for promoting national reconciliation.

6. The current mandate of UNAMIR focuses on the provision of assistance o facilitate the safe and voluntary return of refugees. So far, however, despite intense efforts by UNHCR, this process remains at a trickle. Monthly figures of returnees declined from 35,000 in January 1995 to approximately 6,000 in November, though it rose to 13,500 in December (see sect. V below). The main hurdles to refugee return continue to be the fear of oppressive treatment, intimidation and political dissuasion by former Rwandese government forces leaders in the camps, and the perception of relatively better living conditions in the camps than those expected on returning home. Notwithstanding sustained efforts to tackle these difficult issues, they remain unresolved and the number of returning refugees is not likely to increase significantly.

7. Relations between UNAMIR and the Government during this final period of the Mission's mandate continue to be generally cooperative, though not without friction. The disposition of UNAMIR equipment and assets remains a matter of concern. In this connection, it will be recalled that paragraph 7 of Security Council resolution 1029 (1995) requested me "to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda". The Secretariat has been preparing recommendations to be presented to the

appropriate legislative bodies. It is my hope that, in the meantime, Rwanda will not impede the transfer to other peace-keeping operations of equipment that has become available as a result of the current reduction of UNAMIR.

8. A second source of concern is the insistence of the Rwandan Government that contractors providing goods and services for the exclusive use of UNAMIR should pay various types of taxes. These claims raise complex legal issues and may have a serious adverse impact on UNAMIR's operational capabilities and on the provision of goods and services by the contractors to UNAMIR. A similar problem has developed in connection with the Government's insistence on collecting frequency management and coordination fees and requiring licences for the use of the United Nations communications equipment. A third point of contention arises from the Government's attempts to renegotiate the status-of-mission agreement. The Secretariat has attempted to respond to the issues raised by Rwanda with a view to resolving them amicably. While in a number of areas the positions of the parties remain far apart, in others the Secretariat has responded positively to Rwanda's concerns regarding payment of social security taxes for personnel engaged by contractors to support UNAMIR activities, charges for public utility service related to communications and frequency management and use of airport facilities at Konombe airport. In an effort to continue to address Rwanda's concerns and resolve outstanding issues, I have dispatched a group of experts to Kigali to discuss these matters with the Government.

III. HUMAN RIGHTS

9. The staffing of the United Nations Human Rights Field Operation in Rwanda fell from 120 at 30 November 1995 to 93 by 31 January 1996. The reason for this reduction is that voluntary contributions were not sufficient for the recruitment of new field officers (the majority of whom are United Nations Volunteers (UNVs)) to replace those who had completed their contracts. In addition to meeting the immediate operational needs of the Field Operation, the Commission for Human Rights has yet to receive sufficient financial support from donors to be able to reimburse a $3 million loan received from the Central Emergency Revolving Fund to start operations in September 1994. Such loans must normally be repaid within six months. While the Field Operation has continued to maintain field offices in 10 prefectures, this level of staffing is limiting its ability to monitor conditions in all communes and to give particular attention to the communes to which the largest number of refugees have returned or are expected to return.

10. The Field Operation continued to undertake regular visits to prisons and detention centres. While transfers to new accommodation alleviated some of the overcrowding, this remained an acute problem in prisons and local detention centres. Arrests continued to be carried out, in most cases outside legal procedures, while progress in the creation and preparation of case files was slow. The triage committees (commissions de triage) met in only a few prefectures and a very limited number of detainees was released as a result. The Minister of Justice sought interventional assistance to revitalize the committees and to establish such committees at the local level in all 147 communes. In addition to overcrowding, the Field Operation expressed

concern to the Government about the ill-treatment of prisoners in many local detention centres, which had resulted in a number of deaths.

11. The authorities took some significant steps to address reported human rights violations. Four soldiers were tried and convicted by a military court in late December 1995 for their involvement in an incident in which four civilians were shot, and three killed. The Rwandan Patriotic Army cooperated with the Field Operation in its investigation of the 25 November killings by soldiers of civilians at a temporary settlement in Nyungwe forest. The official investigation is now in the hands of the Military Prosecutor. The need to build a State of law while addressing security concerns was publicly emphasized by the Vice-President, Maj.-Gen. Paul Kagamé, when he led visits of the National Security Council to two prefectures in December. However, the Field Operation remained concerned that official investigations were carried out only in some of the cases of possible human rights violations reported to it, including killings of civilians allegedly by members of the security forces.

12. The Field Operation continued its efforts to provide assistance to the judicial system and promote human rights. It also pursued its tasks of confidence-building and human rights monitoring in the context of refugee return.

13. The International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, so as to carry forward the process of bringing to justice persons accused of genocide and crimes against humanity. All Member States in the region have given assurances that they would cooperate with the Tribunal, as agreed at the Cairo Summit. The proceedings against suspects accused of genocide in Rwanda are expected to commence shortly.

14. The Tribunal held its first plenary session in Arusha on 8 January 1996. On that occasion, the second trial chamber examined an application presented by the Prosecutor concerning the deferral of investigations and prosecutions conducted by Belgium on three suspects currently detained in that country. On 11 January, the trial chamber decided formally to request Belgium to defer to the competence of the Tribunal the investigations and prosecutions concerning the three suspects.

15. In Rwanda, the recently established Supreme Court has begun a review of the judicial system so as to ensure that it becomes operational and those responsible for genocide are brought to justice. Arrest and detention procedures are also being reviewed. Furthermore, it was announced on 13 January that the National Assembly had amended the Rwandan Constitution, taking into consideration the exceptional circumstances Rwanda had gone through. The addition of the text of article 4 of the International Covenant on Civil and Political Rights to article 12 of the Constitution would allow the enactment of laws to regularize retroactively the arrests of those suspected of crimes related to the genocide. The text of article 15, paragraph 2, of the International Covenant was also added to article 12 of the Constitution. This should enable Rwanda to bring to trial suspects for genocide, which is a crime according to the general principles of law recognized by the community of nations, although it is not so characterized in the Rwandan Criminal Code.

16. The crash programme undertaken by my Special Representative for improving prison conditions has mitigated the problem of overcrowding in the Rwandan prisons. Six thousand detainees have now been transferred to the semi-permanent detention site at Nsinda and to the extension of Nyanza Prison. The completion of the second courtyard at Gitarama prison, the imminent opening of additional temporary detention sites and the launching of transfers from communal lock-ups in Kibungo to the prefecture's civilian prison should also contribute to the improvement of detention conditions in Rwanda.

IV. MILITARY AND SECURITY ASPECTS

17. The provisions of the new mandate concerning the adjustments to be made to the force level of UNAMIR have been largely implemented. Troop strength has been reduced from 1,800 to 1,452 and the target figure of 1,200 will be realized following the departure of 153 Ghanaians on 31 January and 97 Canadians on 2 February. The number of military observers and headquarters staff has been brought down to 219 and will be further reduced to the authorized strength of 200, with the departure of the Canadian military observers and staff officers, on 2 February (see annex). General Guy Tousignant, who served with great distinction as the UNAMIR Force Commander from 15 August 1994, left the mission area on 15 December 1995 upon completion of his tour of duty. Brigadier General Siva Kumar has been designated as Acting Force Commander of UNAMIR. The civilian police component of UNAMIR has ceased its activities and all CIVPOL personnel have been repatriated, in accordance with Security Council resolution 1029 (1995).

18. UNAMIR logistic bases, consisting of about 40 personnel each, have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, to assist in the return of refugees. Primarily, the deployment to the border areas is meant to provide logistic support to UNHCR to move the refugees from the border to the transit camps in Sectors 4 and 5. All other formed troops are deployed in Kigali (see map). The troops stationed in Kigali are essentially tasked to contribute to the security of the Tribunal, the provision of humanitarian assistance, the protection of United Nations property and assets, construction works and assistance in rehabilitation and the repair of infrastructure. A small contingent is also deployed at Kibuye for the protection of members of the Tribunal working in that town. With just over a month remaining before the end of the mandate, the preparations for terminating the Mission have unavoidably curtailed the full performance of its tasks.

19. On 5 January 1996, the Permanent Representative of Canada informed me that his Government had decided to withdraw its participation in UNAMIR. In a letter of 16 January (S/1996/35), he explained that his Government considered that the UNAMIR mandate, as adjusted in December 1995, was not viable in the light of the reduction of the force level effective 2 February. My efforts to persuade the Canadian authorities to reconsider their decision have proven unsuccessful. While I fully understand the issue of principle that has led the Canadian Government to take the decision to withdraw, the departure of this key logistic support unit is another factor reducing the operational effectiveness of UNAMIR during the sensitive concluding phase of its mission. Since alternative arrangements cannot be made in the time remaining, the Acting Force Commander

has taken steps to restrict the remaining UNAMIR strength to a garrison mode in Kigali.

20. In the Rwanda-Zaire border regions, infiltration and sabotage activities by elements of the former Rwandese government forces have continued, although at a lower level of intensity. Electric pylons, bridges and factories have been targeted. Some attacks were carried out on "cachots" (improvised detention centres), leading to escapes by prisoners. There were eight reported mine incidents during the period under review, in which civilians and soldiers of the Rwandan Patriotic Army were injured while removing or stepping on anti-personnel mines.

21. Another aspect of the activities of the former Rwandese government forces concerns the allegations of sale or supply to them of arms and related materials, as well as reports that these forces are receiving military training in order to destabilize Rwanda. It will be recalled that, in order to investigate these reports, the Security Council, in its resolution 1013 (1995) of 7 September, requested me to establish an International Commission of Inquiry. The Commission has been in the Mission area since early November and has submitted an interim report (see S/1996/67).

22. In the face of the security problems posed by the former Rwandese government forces, the Rwandan Patriotic Army has increased its patrolling activities. The preemptive measures it has taken against the local population have been noticeably more severe in the border region than in other parts of the country, with a commensurate increase in tension. On 4 January, the Rwandan Patriotic Army fired rockets at parts of Ijwi island in Lake Kivu, as it suspected that the island was being used by saboteurs. These incidents notwithstanding, the general security situation is improving steadily.

V. HUMANITARIAN DEVELOPMENTS

23. Humanitarian operations within Rwanda continue to be coordinated under the overall leadership of the Department of Humanitarian Affairs. The United Nations Resident Coordinator has now assumed also the responsibilities of United Nations Humanitarian Coordinator. Though the United Nations Rwanda Emergency Operation structure was officially closed at the end of October, a support office was established to facilitate the Humanitarian Coordinator's operations. One of the principal activities of the Humanitarian Coordinator will be to ensure the continuity of humanitarian assistance to Rwanda following the departure of UNAMIR.

24. In December 1995, the number of returnees increased slightly. According to UNHCR, more than 13,500 refugees returned to Rwanda compared to some 6,700 in November. This increase was due to an influx of refugees from Burundi when 5,499 returnees crossed the border in UNHCR-organized convoys between 19 and 23 December. Unfortunately, the flow of returnees from the United Republic of Tanzania has nearly ceased.

25. During the reporting period, UNHCR issued a $288 million appeal to cover the cost of its 1996 operations for Rwandan and Burundian refugees and returnees

in the Great Lakes region. The new appeal places special emphasis on voluntary repatriation to Rwanda in 1996, and plans for a shift in UNHCR programmes from care and maintenance of refugees in countries of asylum to return and reintegration in the country of origin. The United Nations Development Programme (UNDP), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), other United Nations agencies and NGOs are collaborating in these efforts.

26. At the Rwanda/Zaire/UNHCR Tripartite Commission meeting held in Geneva on 20 December, the three parties expressed strong concern at the recent decline in the repatriation of refugees to Rwanda. The High Commissioner for Refugees informed the meeting that political factors, an increase in insecurity in the region and a failure by the parties to translate earlier commitments into concrete action were in part responsible for the slow progress in getting people back home. In a joint communiqué, Rwanda reaffirmed its commitment to establish the necessary conditions for the safe return of refugees and to strengthen its capacity to welcome them home. Zaire reaffirmed its commitment to rid the camps of those resorting to intimidation to block the return of refugees. The meeting was the second between UNHCR, Rwanda and Zaire on this matter. The Tripartite Commission consisting of Rwanda, the United Republic of Tanzania and UNHCR held its third meeting in Kigali on 7 and 8 December 1995. The "go and see" visits of refugees to Rwanda continued during the months of December and January. In all, 474 refugees participated in over 30 such visits from three countries of asylum since the programme was initiated in mid-1995: 342 from Burundi, 122 from the United Republic of Tanzania and 10 from Zaire.

27. Reported clashes between armed groups and soldiers in Burundi provoked a surge in returns to Rwanda. Some 7,000 refugees did so during December. Another 2,000 who were trying to cross into the United Republic of Tanzania from Burundi on 21 December were forced back by Tanzanian authorities.

28. Fighting during the night of 17/18 January in Mugano, Miyunga Province, in northern Burundi, triggered an exodus of some 15,000 Rwandan refugees who fled to the border of the United Republic of Tanzania, which had been officially closed. According to UNHCR, Tanzanian officials allowed entry of the refugees on humanitarian grounds. On 20 January, more than 14,000 Rwandan refugees fearing the spread of ethnic fighting abandoned nearby Ntamba camp and headed towards the Tanzanian border. As of 25 January, an estimated 3,000 Rwandan refugees from Ntamba had crossed into the United Republic of Tanzania, more than 11,000 had returned to the Ntamba site, while a group of 140 chose to return voluntarily to Rwanda.

29. On 15 December, UNDP and the Rwandan Ministry of Planning signed a project for the urgent urban resettlement of refugees. The one-year project will be executed by the United Nations Centre for Human Settlements (Habitat), in cooperation with the Ministry of Rehabilitation and Social Integration. The budget of $1.5 million is financed by the United Kingdom of Great Britain and Northern Ireland. The objective of the project is to facilitate the resettlement of returnees in urban and semi-urban areas by preparing and developing sites.

30. On 9 December 1995, UNDP also signed a preparatory assistance project to support the same Ministry in the implementation of the Government's accelerated plan of action for the reinstallation and reinsertion of refugees and formerly displaced persons. The one-year project will be executed by the United Nations Office of Project Services and implemented by the Ministry. The budget is $1,159,000, of which $186,336 comes from co-financing by the Netherlands. This preparatory assistance will reinforce Government and local administration capacity to plan, implement, monitor and evaluate reinstallation activities at both the national and the local levels.

31. Owing to the departure of a number of NGOs, four of which were its implementing partners, UNICEF has taken emergency steps to avoid the breakdown of services in several unaccompanied children's centres run by these NGOs. Replacement agencies have been found for two of the centres. The three other centres remain without NGO financial and technical assistance, although national staff are still present. The activities of UNHCR, WFP and other United Nations agencies were also affected by the Government of Rwanda's decision to expel a number of NGOs.

32. UNICEF is collaborating with a number of NGOs for its 1996 activities on behalf of vulnerable women and children. In order to support a study on street children and to provide technical expertise in the Miyove centre for women prisoners and their children, UNICEF will sign two separate agreements with Save the Children's Fund-USA. UNICEF will support the NGO "Food For The Hungry" in providing assistance to vulnerable households within the country and for the reintegration and resettlement of returnee foster families.

VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

33. Funds pledged to date by donors have reached $1,264 million, as against $587 million registered initially at the Geneva round-table conference of January 1995. The increase came mainly from (a) a continuation of projects previously in the pipeline that the Government of Rwanda had not considered to be on their new priority list and (b) additional pledges made by donors at the July 1995 round-table mid-term review. Additional pledges from the European Union and Japan were made at the thematic consultation on refugees held in November 1995. Commitments to date by donors are estimated at $878.5 million. The largest commitments have come from the World Bank ($224 million), the European Union ($125 million), the United States of America ($122 million) and Germany ($103 million).

34. Disbursements to date by donors are estimated at $403.9 million, equivalent to 69 per cent of the total pledged in Geneva, a remarkable improvement over May (9 per cent), July (15 per cent) and September (43 per cent) disbursements. At the Government's request, a few donors have expedited their bilateral disbursement procedures and/or contributed through the Secretary-General's Trust Fund or the UNDP Trust Fund. The Secretary-General's Trust Fund was established in the immediate aftermath of the Rwandan crisis, in order to facilitate the rapid disbursement of funds. In early 1995, the UNDP Trust Fund was constituted to channel resources from donors for rehabilitation projects. To date,

contributions pledged via the Trust Fund and cost-sharing arrangements managed by UNDP total $43.5 million.

35. Reactivating the judicial system remains a priority of United Nations agencies operating in Rwanda. Although progress is slow on account of the Government's lack of capacity and the enormous complexity of trying those suspected of genocide, steps were taken in December to remedy that situation. The Ministry for the Rehabilitation and Functioning of the Judiciary identified four priority areas and implementation of programmes designed to rehabilitate the judicial system is under way.

36. In accordance with a recommendation made during a conference on genocide held in Kigali, the Ministry of Justice announced its desire to establish 11 "special courts" for the treatment of genocide cases. These courts could be supported by six international experts who could be recruited through UNDP's "Support to the rehabilitation of the judiciary" phase II project. Four more specialists could be recruited to support the Public Prosecutor of the Supreme Court. Incentives are being examined in order to increase the productivity of judiciary public servants and to recruit qualified and experienced candidates for key positions.

37. The work of the triage committees is scheduled to resume in mid-January and the necessary administrative decisions are being prepared by the Ministry of Justice to be presented to the Government for official approval. The assessment of material needs for the proper functioning of the Supreme Court has been completed.

VII. FINANCIAL ASPECTS

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of $32,324,500 gross for the financing of the Assistance Mission for the final period, from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I shall seek the additional resources required for the withdrawal from the General Assembly at its resumed fiftieth session.

40. As of 15 January 1996, the total outstanding contributions to the UNAMIR special account since the inception of the Mission to 8 December 1995 amounted to $58.5 million. This amount does not reflect the most recent appropriation by the General Assembly for the period from 1 January to 8 March 1996. Total outstanding assessed contributions for all peace-keeping operations stood at $1,702.8 million as of 15 January 1996.

VIII. CONCLUDING OBSERVATIONS

41. More than six weeks have now elapsed since the Security Council adopted resolution 1029 (1995), which focused the mandate of UNAMIR on the assistance it should provide in terms of good offices and logistics to facilitate the

repatriation of Rwandan refugees. I note with concern that, to date, despite the combined efforts of UNAMIR and other United Nations agencies and programmes working in Rwanda, particularly UNHCR, the repatriation process continues to be very slow. Moreover, there has been no evidence so far that the process will acquire the desired momentum before the end of the final mandate period of UNAMIR.

42. As stated in my previous reports, I remain convinced that long-term peace in Rwanda will remain elusive as long as large concentrations of Rwandan nationals remain encamped in neighbouring countries. I therefore welcome the initiatives being taken at the regional level to help to resolve the problem.

43. Genuine peace and reconciliation in Rwanda will also depend on the progress that will be made in the efforts of the Government and the international community to put an end to the prevailing environment of impunity, by bringing to justice those accused of genocide and massacres. I note with satisfaction that the International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, that the Tribunal was able to hold its first plenary session in Arusha on 8 January 1996 and that the proceedings will begin in March. The measures being taken by the Supreme Court of Rwanda to reactivate the country's judicial system are also welcome.

44. Progress is also being made in the fields of rehabilitation, reconstruction and development. The funds pledged by donor countries for the development of Rwanda have increased significantly since the donors' round-table conference of January 1995. Actual disbursement has also increased, making it possible to launch a number of rehabilitation and reconstruction projects. In this context, it is my hope that the ongoing efforts aimed at improving conditions of detention in Rwanda's prisons will continue.

45. The mandate of UNAMIR will expire on 8 March 1996 and the operation will be phased out within six weeks, as prescribed by Security Council resolution 1029 (1995). I stated in my last report to the Security Council (S/1995/1002) that the United Nations still had a useful role to play in Rwanda. That assessment remains valid, especially in light of the Government's indication that the country's overwhelming needs require the continued attention and assistance of the international community.

46. Despite the real progress that has been made towards the restoration of normal conditions in Rwanda after the trauma and destruction inflicted by the genocide of 1994, it is evident that much more remains to be done. There is no doubt that the international community should continue to lend its support to the efforts of the Rwandan Government to achieve genuine peace and reconciliation, which are the necessary conditions for sustainable rehabilitation and reconstruction.

47. My Special Representative is currently examining with the Government, as well as with the relevant United Nations agencies, the possible nature and mandate of a continued United Nations presence in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. In the light of those discussions, I shall present appropriate recommendations in this regard in my next report to the Security Council.

Annex

Composition of the UNAMIR military component as of 22 January 1996

Country	Military personnel		Observers	Total
	Troops	Staff/Military police		
Austria			1	1
Bangladesh			1	1
Canada a/	97	4	9	110
Congo			7	7
Ghana b/	296	17	25	338
Guinea			15	15
Guinea-Bissau			1	1
India c/	841	12	22	875
Malawi	85		8	93
Nigeria	133	14	12	159
Russian Federation			15	15
Senegal		1	2	3
Uruguay			17	17
Zambia		15	8	23
Zimbabwe			13	13
Total	1 452	63	156	1 671

a/ All Canadian personnel (110) leaving the Mission on 2 February 1996.

b/ One hundred and fifty three troops leaving the Mission by 31 January 1996.

c/ Five staff officers leaving the Mission by 31 January 1996.

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